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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,447	10/29/2001	Derek E. Poppink	20412-06420	4076
758	7590	03/12/2004	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			KINDRED, ALFORD W	
		ART UNIT	PAPER NUMBER	
		2172	5	
DATE MAILED: 03/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/046,447	POPPINK ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Alford W. Kindred	2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 29 October 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-131 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-131 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

**DETAILED ACTION**

1. This action is responsive to communications: application, filed on 10/29/01.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-131 are rejected under 35 U.S.C. 102(e) as being anticipated by Grefenstette et al., US# 2003/0069877 A1.

As per claims 1, 44, and 46-47 Grefenstette et al. teaches “extracting at least one query key . . .” (see page 33, paragraphs [0483]-[0484]) “at least one query result from at least one data source” (see page 13, paragraphs [0238]-[0241]) “evaluating the received at least one query result; and displaying at least one received query result” (see page 13, paragraph [0237]-[0238]) “wherein extracting, querying, receiving . . . without user interaction” (see page 6, paragraph [0151]-[0154]).

As per claims 2, 4, and 26 Grefenstette et al. teaches “receiving the primary document; and wherein extracting, querying, receiving, and evaluating are performed . . .” (see page 27, paragraphs [0405]-[406] and page 28, paragraph [0417]).

As per claim 3, Grefenstette et al. teaches “accessing the primary document . . . evaluating are performed in response to accessing the primary document” (see page 13, paragraphs [0232]-[0234]).

As per claims 5, 7, 9, and 18 Grefenstette et al. teaches “an electronic communication” (see page 6, paragraphs [0151]-[0152]).

As per claims 6, 8, and 10 Grefenstette et al. teaches “an e-mail message” (see page 9, paragraphs [0192]).

As per claims 11 and 16-17, Grefenstette et al. teaches “querying, receiving and evaluating are performed asynchronously with respect to user interaction with the primary document” (see page 27, paragraph [0413] and page 28, paragraph [0417]).

As per claim 12, Grefenstette et al. teaches “storing the evaluated at least one query result” (see page 14, paragraph [0250] and [0255]) “displaying the retrieved at least one query result” (see page 41, paragraphs [0571]-[0572]).

As per claim 13, this claim is rejected on grounds corresponding to the arguments given above for rejected claims 11-12 and is similarly rejected including the following:

-- Grefenstette et al. “displaying a preview of at least one query result . . . receiving a selection of one of the previewed items . . .” (see page 41, paragraph [0571]).

As per claims 14-15, Grefenstette et al. ” teaches “retrieving the item from a cache” (see page 41, paragraphs [0578]-[0579]).

As per claims 19 and 22, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 5-6 and are similarly rejected.

As per claim 20, this claim is rejected on grounds corresponding to the arguments given above for rejected claims 5-6 and is similarly rejected including the following:

-- Grefenstette et al. teaches "transmitting across a firewall" (see page 2, paragraph [0014] and page 1, paragraph [0013]).

As per claims 21 and 23, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 19 and are similarly rejected claim 5-6 and is similarly rejected including the following:

--Grefenstette et al. teaches "XML-encoded . . ." (see page 5, paragraph [0144]).

As per claim 24, Grefenstette et al. teaches "at least one information appliance" (see page 5, page [0144] i.e. "standards").

As per claim 25, Grefenstette et al. teaches "a visitor kiosk; a meeting recorder; a presentation recorder . . . a document management device" (see fig. 55—sheet 55 of 69, i.e. interface).

As per claim 27, Grefenstette et al. teaches "whether the query result has previously been displayed" (see page 28, paragraphs [0418]-[0419] and page 29, paragraph [0435]).

Art Unit: 2172

As per claims 28-29 and 37-38, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 2 and is similarly rejected including the following:

-- Grefenstette et al. teaches "displaying at least one received query result . . . determination indicating that the query result is sufficiently relevant" (see page 17, paragraphs [0282]-[0283]).

As per claims 30-31, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 1 and are similarly rejected including the following:

-- Grefenstette et al. teaches "querying at least one data source with at least one secondary query key . . ." (see page 33, paragraphs [0483]-[0485]).

As per claim 32, Grefenstette et al. teaches "displaying at least one received query . . . currently active software application" (see page 12, paragraphs [0220]-[0222]).

As per claims 33-35 and 55, Grefenstette et al. teaches "displaying the query result in a sidebar plane adjacent to a currently active on-screen window" (see page 12, paragraphs [0219]-[2220]).

As per claims 36 and 56, Grefenstette et al. teaches "query result comprises a hyperlink to a resource . . ." (see pages 12-13, paragraph [0230]).

As per claim 39, Grefenstette et al. teaches "query results is performed responsive to the context of the query key in the primary document" (see page 13, paragraphs [0238]-[0240]).

As per claims 40, 42, and 48, Grefenstette et al. teaches "a network-connected computer containing shared information" (see page 1, paragraph [0007]).

As per claim 41, Grefenstette et al. teaches "a shared directory" (see page 2, paragraphs [0014]).

As per claim 43, Grefenstette et al. teaches "an electronic communication; word processing documents, spreadsheet document . . . a file; an image . . ." (see page 8, paragraphs [0180]-[0181]).

As per claim 45, Grefenstette et al. teaches "a part-of-speech analysis to the primary document" (see page 6, paragraphs [0157]-[0158]).

As per claim 49, Grefenstette et al. teaches "a portable computing device" (see fig. 2—sheet 2 of 69, i.e. 219).

As per claims 50 and 52, Grefenstette et al. teaches "a text document" (see page 4, paragraph [0125]).

As per claims 51 and 53, Grefenstette et al. teaches "a non-text document" (see page 4, paragraphs [0119]-[0125]).

As per claim 54, Grefenstette et al. teaches "displaying the query result in a calendar display" (see page 6, paragraph [0162] and page 35, paragraphs [0505]-[0506]).

As per claims 57-58 and 60, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 33-35 and are similarly rejected.

As per claims 59 and 61, Grefenstette et al. teaches “displaying a menu . . . user selection of the at least one command, displaying a query result” (see page 37, paragraphs [0522]).

As per claims 62-98, these claims are rejected on grounds corresponding the arguments given above for rejected claims 1 and 8-61 and are similarly rejected.

As per claim 100-131, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1 and 8-61 and are similarly rejected.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 703-305-3802. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alford W. Kindred  
Patent Examiner  
Tech Ctr. 2100